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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

NEC TOKIN CORPORATION,

Defendant.

No. 4:15-CR-00426-JD

**UNITED STATES' ADMINISTRATIVE  
MOTION TO PERMIT LIMITED  
DISCLOSURE OF A SEALED  
DOCUMENT AND ~~PROPOSED~~  
ORDER**

FILED: December 21, 2017

1 The United States respectfully moves this Court for an order permitting disclosure of the  
 2 sealed Attachment A to the Plea Agreement (Dkt. 9-1) to Nippon Chemi-Con Corporation  
 3 (“NCC”). NCC is the defendant in *United States v. Nippon Chemi-Con Corporation*, CR 17-  
 4 540-JD (N.D. Cal. Oct. 18, 2017). The government requests permission for this disclosure to  
 5 allow the government to meet its criminal discovery obligations in that case.

6 Attachment A to the Plea Agreement identifies certain individuals who had not been  
 7 charged at the time of its filing. At least some of the individuals have still not been charged.  
 8 The government moved to seal Attachment A to protect the named individuals because publicly  
 9 revealing their names could be viewed as an accusation that they have engaged in criminal  
 10 conduct, even though they have not been charged and have no forum in which to proclaim their  
 11 innocence or seek exoneration. (See *United States v. NEC Tokin Corporation*, CR 15-00426-JD,  
 12 Dkt. 10.) The Court ordered that Attachment A be sealed. (Dkt. 19.)

13 The government requests the Court’s permission to disclose Attachment A to NCC so the  
 14 government can meet its criminal discovery obligations in *United States v. Nippon Chemi-Con*  
 15 *Corporation*, CR 17-540-JD. Because it is part of an agreement with the government,  
 16 Attachment A to the Plea Agreement is part of the “Protected Materials” that are subject to the  
 17 Protective Order in that case (Dkt. 25) and is, thereby, limited from further disclosure.

18 The government has consulted with counsel for NEC Tokin Corporation (“NEC Tokin”),  
 19 and NEC Tokin has no objection to the government’s request.

20 For the reasons stated above, the United States requests an order permitting disclosure of  
 21 the sealed Attachment A to the Plea Agreement between the United States and NEC Tokin  
 22 (*United States v. NEC Tokin Corporation*, CR 15-00426-JD, Dkt. 9-1) to NCC subject to the  
 23 Protective Order in *United States v. Nippon Chemi-Con Corporation*, CR 17-540-JD (Dkt. 25).

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1 Respectfully submitted:


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3 DATED: December 21, 2017

4 /s/ Christopher J. Carlberg  
5 CHRISTOPHER J. CARLBERG  
6 Trial Attorney  
7 U.S. Department of Justice  
8 Antitrust Division  
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~~PROPOSED~~ ORDER

Based upon the motion of the government and for good cause shown, it is hereby ORDERED that the government is permitted to disclose the sealed Attachment A to the Plea Agreement between the United States and NEC Tokin Corporation (Dkt. 9-1) to Nippon Chemi-Con Corporation and its defense counsel for its use in *United States v. Nippon Chemi-Con Corporation*, CR 17-540-JD (N.D. Cal. Oct. 18, 2017) subject to the Protective Order issued in that case (Dkt. 25). Attachment A to the Plea Agreement is to otherwise remain sealed.

DATED: 1/10/18



HON. JAMES DONATO  
United States District Judge